

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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|--|---|---------------------------------|
| Travelers Indemnity Company of Illinois, |) | Civil Action No. 4:03-2602-25BH |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | ORDER |
| |) | |
| Alonzo Pearson and Doretha Pearson, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on plaintiff's motion to compel (Document # 13) filed October 6, 2004. Within the motion, plaintiff sets forth that the discovery sought to be compelled was served on defendants' counsel on June 9, 2004. Plaintiff seeks an order compelling defendants to respond to the discovery, as well as costs and attorney's fees pursuant to Rule 37(d), Fed.R.Civ.P.

Local Rule 7.02, DSC, requires that all motions contain an affirmation that prior to filing the motion, a good faith attempt was made to resolve the motion. Rule 37(a)(2), Fed.R.Civ.P., contains a similar provision. Local Rules 7.04 and 37.01(B), DSC, require that the relevant portions of the discovery requested shall be filed with the motion. Also, Local Rule 37.01(A) requires that a motion to compel be filed within twenty (20) days after the response was due.

Plaintiff's motion does not comply with the above-identified Federal Rule of Civil Procedure or Local Rules. Therefore, plaintiff's motion to compel (Document 13) is **denied**.

AND IT IS SO ORDERED.

April 22, 2005
Florence, South Carolina

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge